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Attorney Docket No. 2000.16

PATENT

SEP 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Runkle et al.

Group Art Unit: 1732

Serial No. 09/851,242

Examiner: S. Staicovici

Filed: May 8, 2001

For: METHOD FOR MAKING A HOLLOW FIBER MEMBRANE CONTACTOR

VIA FACSIMILE
571-273-8300
Total Pages: 31

RESPONSE to OFFICIAL Communication

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Response to the Official Communication mailed September 12, 2006.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on September 18, 2006.


Janice B. Davis

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In the Official Communication dated September 12, 2006, the Office claims that the IDS filed on June 8, 2005 has not been considered and was incomplete, the Applicants Traverse.

The IDS filed on June 8, 2005, was clearly labeled a "SUBSTITUTE" Supplemental IDS and was sent in to replace the "SUPPLEMENTAL IDS" filed on May 26, 2005, which the Examiner had indicated that he had already considered, on page 2 of the Final Action from the Examiner of July 28, 2005. The reason the SUBSTITUTE IDS was filed, is that, in the Supplemental IDS of May 26, 2005 failed to affirmatively state that the information contained in the Supplemental IDS was cited in a communication from a foreign patent office and was being disclosed within 3 months of its receipt.

So as to conform with the Office's request, attached is a copy of both the IDS covers from 5-26-05 and 6-8-05, along with a copy of the foreign Official Action and translation, a copy of the corresponding form PTO/SB/08a, and a copy of the two Japanese references listed thereon. Applicants believe that even without the attachments, all the information from these filings are already part of the record. Applicants note that, by the account of the Examiner in the Final Action of July 28, 2005, have already been considered.

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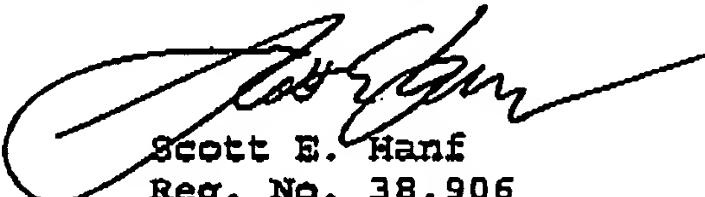
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Applicants note that the references listed in these papers while relevant to the Appeal are already clearly of record. Applicants note that the Declaration of Charles Runkle originally filed in the Amendment dated December 17, 2002, and discussed in the Board's REMAND TO THE EXAMINER of January 27, 2005, has never been acknowledged by the Examiner, and Applicants respectfully request that the Examiner acknowledge receipt of this declaration and that it has been a part of the record since December 17. 2002.

CONCLUSION

In view of the foregoing, Applicant respectfully requests an early Notice of Allowance in this application.

Respectfully submitted,



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Attachments: TDS from June 8, 2005 (25 pages)
Runkle Declaration of December 17, 2002 (3 pages)

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